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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Marc Nasoff, et al.

Application No./Patent No.: 10/723,383

Filed/Issue Date: 11/25/2003

Entitled: Methods and Compositions for Inducing Apoptosis in Cancer Cells

IRM LLC

a limited liability corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Timothy L. Smith

Printed or Typed Name

General Power of Attorney

Title

December 6, 2004

Date

858-812-1547

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**ASSIGNMENT OF PATENT APPLICATION**

**JOINT**

WHEREAS, Marc Nasoff of 11734 Mira Lago Way, San Diego, CA 92131; Quinn L. Deveraux of 11692 Frames Port Place, San Diego, CA 92126; Deborah A. Knee of 2017 De Mayo Road, Del Mar, CA 92014; Pedro Aza-Blanc of 4413 Governor Dr., San Diego, CA 92122; Garret M. Hampton of 5659 Arbor Grove Court, San Diego, CA 92121; Klaus Wagner of 7560 Charmant Drive, #1514, San Diego, CA 92122 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention:           **METHODS AND COMPOSITIONS FOR INDUCING  
APOPTOSIS IN CANCER CELLS**

Filing Date:                November 25, 2003

Application No.:           10/723,383; and

WHEREAS, IRM LLC, a Delaware Limited Liability Company, P.O. Box HM 2899, Hamilton HM LX, Bermuda, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 9/22/04

Marc Nasoff  
Marc Nasoff

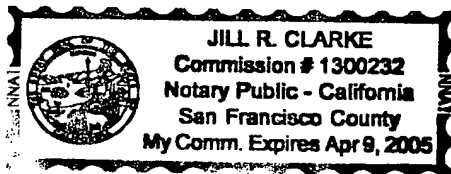
STATE OF California )

COUNTY OF San Diego )

ss.

On Sept. 22, 2004, before me, Jill R. Clarke,  
personally appeared Marc Nasoff, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Jill R. Clarke  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Dated: 9/17/04

Quinn L. Deveraux  
Quinn L. Deveraux

STATE OF California )

COUNTY OF San Diego )

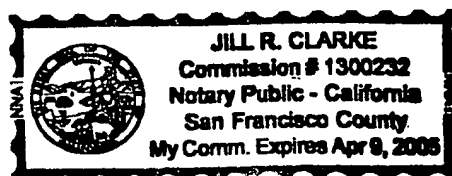
ss.

On September 17, 2004, before me, Jill R. Clarke,  
personally appeared Quinn L. Deveraux, personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and  
acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on  
the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Jill R. Clarke  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



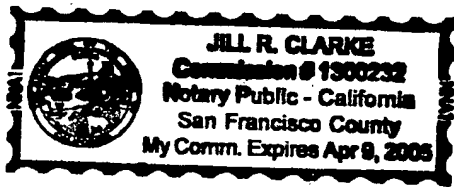
Dated: 9-15-04

*DAKnee*  
Deborah A. Knee

STATE OF )  
COUNTY OF ) ss.

On Sept. 15, 2004, before me, Jill R. Clarke,  
personally appeared Deborah A. Knee, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



*Jill R. Clarke*  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Dated: 9/17/04

*Pedro Aza-Blanc*  
Pedro Aza-Blanc

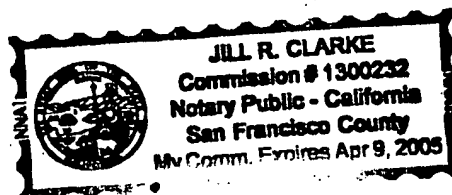
STATE OF )  
COUNTY OF ) ss.

On Sept. 17, 2004, before me, Jill R. Clarke,  
personally appeared Pedro Aza-Blanc, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

*Jill R. Clarke*  
NOTARY PUBLIC

My Commission Expires: 4/9/2005



Dated: \_\_\_\_\_

9 09/17/2004  
Garret M. Hampton

STATE OF California )

COUNTY OF San Diego )

ss.

On Sept. 17, 2004, before me, Jill R. Clarke,  
personally appeared Garret M. Hampton, personally known to me (or proved to me on the  
basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and  
acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on  
the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



My Commission Expires: 4/9/05

Jill R. Clarke  
NOTARY PUBLIC

Dated: \_\_\_\_\_

\_\_\_\_\_  
Klaus Wagner

STATE OF California )

COUNTY OF )

ss.

On \_\_\_\_\_, before me, \_\_\_\_\_,  
personally appeared Klaus Wagner, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Attorney Docket No.: 021288-002920US  
Client Reference No.: P1087US40

Dated: 12/03/2004

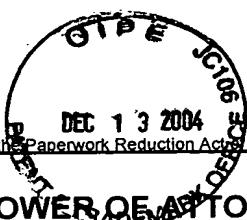
  
Klaus Wagner

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ ) ss.

On \_\_\_\_\_, 2004, before me, the undersigned Notary Public, personally appeared Klaus Wagner, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon before of which the person acts, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC



**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	10/723,383
Filing Date	11/25/2003
First Named Inventor	Marc NASOFF
Title	Methods and Compositions for Inducing Apoptosis in Cancer Cells
Art Unit	1645
Examiner Name	
Attorney Docket Number	021288-002920US

I hereby appoint:

☒ Practitioners associated with the Customer Number:

OR

☐ Practitioner(s) named below:

Name	Registration Number

**47388**

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☒ The address associated with Customer Number:

**20350**

OR

☐ Firm or  
Individual Name

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Signature		Date	December 6, 2004
Name	Timothy L. Smith	Telephone	858-812-1547
Title and Company	General Power of Attorney- IRM LLC, Patent Counsel, Genomics Institute of the Novartis Research Foundation		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## POWER OF ATTORNEY

# COPY

KNOW ALL PERSONS BY THESE PRESENTS:

That IRM LLC, a limited liability company organized under the laws of Delaware ("IRM"), does hereby make, constitute and appoint TIMOTHY L. SMITH, Reg. No. 35,367, of the NOVARTIS INSTITUTE FOR FUNCTIONAL GENOMICS, Inc. ("NIFG"), dba the GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION ("GNF"), 10675 John Jay Hopkins Drive, Suite E225, San Diego, CA 92121, its true and lawful attorney, for it and in its name, place and stead, with full power of substitution to represent and act for it in all matters pertaining to the filing and prosecution of patent applications in the United States and internationally, and in general to perform on behalf of IRM LLC all acts such attorney deems to be necessary and/or advisable for and/or in connection with the filing, prosecution and/or abandonment of patent applications and the maintenance of patents including, but not limited to, the payment of maintenance fees, the prosecution of interferences and the filing of patent term extension applications excluding, however, the power to execute in the name of IRM LLC contracts such as interference settlement agreements. Such attorney, may, with the consent of IRM LLC, appoint and pay one or more other attorneys to perform one or more acts that such attorney is authorized by this Power of Attorney to personally perform and may sign (short of executing a contract on behalf of IRM LLC) all other documents contemplated by and/or deemed necessary and/or advisable in connection with this Power of Attorney.

IRM hereby ratifies and confirms all that said attorneys or their substitutes shall lawfully do, or cause to be done, by virtue hereof.

IN WITNESS WHEREOF, IRM has caused this Power of Attorney to be signed by its officer thereunto duly authorized this 4th day of October, 2004.

IRM LLC

By: BAE

Bernard Aebischer  
Secretary

J. Reinhardt  
Joerg Reinhardt  
President